IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 24263 of 2007(L)

PETITIONER:

MANGALAPURAM GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, M.D.PRAMOD, MANGALAPURAM,
THONNAKKAL P.O., THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.K.S.VINOD
SRI.M.R.RAJESH

RESPONDENTS:

STATE OF KERALA, REP. BY
THE SECRETARY TO GOVERNMENT, LOCAL SELF GOVERNMENT
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. P.K. RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 24263 of 2007

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Dated this the 20th day of August, 2007

JUDGMENT

Petitioner is a Panchayat. The case of the petitioner is that there is unregulated and illegal mining of clay by Companies and persons who purchased land within the Panchayat. It is stated that the petitioner is no way able to check these mining activities effectively. Stoppage notices were issued to many Companies and individuals and they took a uniform stand that the Panchayat has no authority to do so. It is stated that at present as per the present Rules these activities do not require a license under the Kerala Panchayat (Licensing of Dangerous and Offensive Trades and Factories) Rules. The Panchayat took a resolution in a meeting held on 28.11.2006 to request the Government to take effective and speedy steps to provide powers to the Panchayat to control these activities by including clay mining also as an item of business in the Schedule to D & O Rules vide Ext.P1. Thereafter petitioner filed Ext.P2 attaching a copy of Ext.P1 resolution. Thereafter, it is stated, a similar representation is also given to the respondent as is evident from Ext.P3 acknowledgment card. It is contended that maintenance of a healthy environment, traditional

drinking water sources, ponds and other water storage, licensing of dangerous and offensive trades and factories etc. are the mandatory duties of the Panchayat as per Schedule III of the Kerala Panchayat Raj Act read with Section 166(1). It is for fulfilling these duties that the Panchayat has passed Ext.P1 resolution and given the representation. It is stated that there is inaction and the petitioner has approached this court seeking direction to consider the representation given by the petitioner evidenced by Ext.P3 similar to Ext.P2.

2. Heard Government Pleader also.

The writ petition is disposed of directing the first respondent to consider and take a decision on the representation, which is acknowledged vide Ext.P3 and which is stated to be similar to Ext.P2 in accordance with law within a period of ten weeks from the date of receipt of a copy of this judgment. Petitioner will produce the representation, which is said to be acknowledged by Ext.P3, also along with the copy of the judgment before the first respondent for compliance.

(K.M. JOSEPH, JUDGE)

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